

JANET LARSON,

Civil No. 07-3548 (JRT/JSM)

v.

Plaintiff,

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

MICHAEL J. ASTRUE, *Commissioner of  
Social Security*,

Defendant.

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Lionel H. Peabody, **PEABODY LAW OFFICE**, Post Office Box 10, Duluth,  
MN 55801, for plaintiff.

Lonnie F. Bryan, Assistant United States Attorney, **OFFICE OF THE  
UNITED STATES ATTORNEY**, 300 South Fourth Street, Suite 600,  
Minneapolis, MN 55415, for defendant.

The above-entitled matter comes before the Court upon the Report and  
Recommendation of United States Magistrate Judge Janie S. Mayeron, dated August 13,  
2008, and no objections having been filed to said Report and Recommendation.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the  
files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for Summary Judgment [Docket No. 12] is granted in part  
and denied in part;
2. Defendant's Motion for Summary Judgment [Docket No. 15] is denied; and
3. The case is remanded to the Commissioner for further proceedings.

Dated: August 25, 2008  
at Minneapolis, Minnesota

s/John R. Tunheim  
John R. Tunheim  
United States District Judge